

Patent Application
Attorney Docket No.: 26283-4

REMARKS

The following remarks are in response to the Office Action mailed on October 14, 2004. After entry of this amendment, claims 1-20 will remain pending in this application.

In the Office Action, independent claim 1 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Independent claim 1 was also rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,995,939 ("Berman"). Response is hereby made to each of these rejections.

In the Office Action, independent claim 1 was rejected as being directed to non-statutory subject matter. In rejecting this claim, it was stated in the Office Action that the recited steps do not "apply, involve, use or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper." Although Applicant respectfully disagrees, in order to advance prosecution of this application, Applicant has herein amended claim 1 to specify that each of the steps of claim 1 involve the use of a host computer system. As amended, each of the recited steps of independent claim 1 now apply, involve, use or advance the technological arts and can no longer be performed simply in the mind of the user or by use of a pencil and paper. As such, Applicant believes that claim 1 as amended is now directed to statutory subject matter and therefore respectfully requests that the rejection of amended claim 1 under 35 U.S.C. § 101 be withdrawn.

Independent claim 1 was also rejected under 35 U.S.C. § 103(a) as being unpatentable over Berman. Claim 1, as amended herein, relates to a method of recording the servicing of third party private onsite wastewater treatment systems. The method includes the steps of receiving service requests at a host computer system for a plurality of private wastewater treatment

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systems, recording on the host computer system which one of a plurality of service providers is assigned to each of the service requests, having the host computer system notify the assigned service provider of each service request assigned to the service provider, and receiving at the host computer system a service report describing services performed in response to each service request.

The method of claim 1 simply cannot be performed by the request and fulfillment system taught by Berman and as such, the method of claim 1 is not obvious in view of Berman. This is because Berman teaches a system that is used for an entirely different type of application, namely an application involving the direct communication between a party that is requesting service (client system 10 for example) and a plurality of parties providing services in response thereto (sponsor systems 12, 38, 40 and 42 for example). The method of claim 1, on the other hand, involves indirect communication between a plurality of parties requesting service (the private onsite wastewater treatment systems) and a plurality of parties providing service in response thereto (the service providers). This indirect communication is made via the host computer system recited in claim 1.

More specifically, Berman teaches a first client computer system (10) that generates (but does not receive) service requests and then sends the service requests out via a mail server (14) to sponsor computer systems (12, 38, 40, and 42) to be fulfilled. Once the service request is fulfilled, the sponsor computer systems send a response back to the client computer system 10 via the mail server 14. In essence, Berman teaches a bi-directional system set up between two parties - a

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party requesting service and a party providing the requested service. This is not, however, the method recited in claim 1.

The method of claim 1 involves three separate parties, namely the host computer system, a plurality of private onsite wastewater treatment systems that are requesting service, and a plurality of service providers that are providing the requested service. As recited in claim 1, the host computer system receives both service requests and service reports in response to the service requests. Neither of the computer systems 10 or 12 of Berman receive both service requests and service reports in response to service requests. This is because in the system of Berman, the client systems are not receiving service requests from third parties. To the contrary, the client systems are generating their own service requests.

Because Berman does not teach or suggest a computer system that can perform the method recited in claim 1, claim 1 is not obvious in view of Berman alone and claim 1 should be allowed.

Applicant has herein amended the application to include new claims 2-7 which depend from claim 1. Each of these claims adds a limitation to claim 1 and therefore is narrower in scope than claim 1. Each of these claims is therefore also allowable.

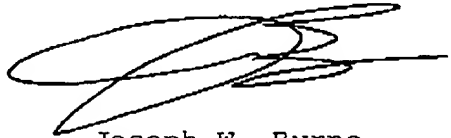
Applicant has also amended the application herein to include two additional independent claims, namely claims 8 and 20, as well as claims 9-19 which depend from added independent claim 8. Each of these new claims include one or more limitations not taught by the prior art, including Berman, and therefore it is believed that each of these additional claims is also allowable.

Accordingly, in view of the above amendments and remarks, Applicant respectfully submits that the application

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should be allowed. The Examiner is invited to telephone the undersigned below if it will aid in the prosecution of this application.

Respectfully submitted,



Joseph W. Byrne
Registration No. 43,522

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BOARDMAN, SUHR, CURRY & FIELD LLP
1 South Pinckney Street, Fourth Floor
P.O. Box 927
Madison, WI 53701-0927
Phone: 608-257-9521
Fax: 608-283-1709
@PFDesktop\::ODMA\WORLD\OX\F:\DOCS\WD\26283\4\RESP1.WPD

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Joseph W. Byrne
Reg. No. 43,522